

REQUEST FOR JUDICIAL INTERVENTION

USC-840 (REV 1/2000)

SUPREME COURT, New York

COUNTY INDEX NO. DATE PURCHASED:
114120 106

For Clerk Only

DEC 12 2006

PLAINTIFF:

Christian F. Holinka

019190

1-4009901

IAS entry date

Judge Assigned

RJA Date

INDEX NUMBER 114120 YEAR 2006

6 RJI FEE 95.00

15 MOTIONS 45.00

TOTAL 140.00

CREDIT CARD 140.00

CONS CASHIER DATE TIME TERM

25932 3000 06 DEC 05 11:23 AM 60-1

DEFENDANTS:

A.W. Chesterton Company; Amchem Products, Inc.; Anchor Packaging Company; Aqua-Chem, Inc.; Baxter Healthcare Corporation; Baxter International Inc.; Beckman Coulter, Inc.; CBS Corporation; Certain Teed Corporation; Corning Glass; E.I. Dupont De Nemours and Company; Empire-Ace Insulation Mfg. Corp.; Fisher Scientific International Inc.; Garlock Sealing Technologies LLC; Ingersoll-Rand Company; J.H. France Refractories Company; Kewaunee Scientific Corporation; Lennox Industries, Inc.; Manorcure Health Services, Inc.; Premier Refractories, Inc.; Rapid-American Corporation; Rheen Manufacturing Company, Inc.; Univar USA Inc.; VWR International, Inc.

Date issue joined: 12/4/2006

Bill of particulars served (Y/N): [] Yes

NATURE OF JUDICIAL INTERVENTION (check ONE box only AND enter information)

- [] Request for preliminary conference
- [] Note of issue and/or certificate of readiness
- [X] Notice of Motion (return date: January 4, 2007)

- [] Notice of petition (return date: _____)
- [] Notice of medical or dental malpractice action (specify: _____)

- [] Statement of net worth

- [] Other ex parte application (specify: _____)

- [] Writ of habeas corpus

- [] Other (specify: _____)

NATURE OF ACTION OR PROCEEDING (Check ONE box only)

MATRIMONIAL

- [] Contested
- [] Uncontested

CM
UM

COMMERCIAL

- [] Contract
- [] Corporate
- [] Insurance (where insurer is a Party, except arbitration)
- [] UCC (including sales, negotiable instruments)
- [] *Other Commercial

-CONT

-CORP

-INS

-UCC

-QC

REAL PROPERTY

- [] Tax Certiorari
- [] Foreclosure
- [] Condemnation
- [] Landlord/Tenant
- [] *Other Real Property

-TAX

-FOR

-COND

-LT

-ORP

TORTS

Malpractice

- [] Medical/Podiatric
- [] Dental
- [] *Other Professional

-MM

-DM

-OPM

- [] Motor Vehicle
- [] *Products Liability

-MV

-PL

- [] Environmental
- [X] Asbestos
- [] Breast Implant
- [] *Other Negligence
- Wrongful Death

-EN

-ASB

-BI

-OTN

- [] *Other Tort (including Intentional)

-OT

SPECIAL PROCEEDINGS

- [] Art. 75 (Arbitration)
- [] Art. 77 (Trusts)
- [] Art. 78
- [] Election Law
- [] Guardianship (MHL Art. 81)
- [] *Other Mental Hygiene
- [] Temporary Restraints and Attachments

-ART75

-ART77

-ART78

-ELEC

-GUARD81

-MHYG

-OSP

OTHER MATTERS

- [] -OTH

45 DAY RULE DATE.

Check "YES" or "NO" for each of the following questions:

Is this action/proceeding against a

YES NO YES NO
☐ ☒ Municipality: ☐ ☒ Public Authority:
 (Specify _____) (Specify _____)

YES NO
☐ ☒ Does this action/proceeding seek equitable relief?
☒ ☐ Does this action/proceeding seek recovery for personal injury?
☐ ☒ Does this action/proceeding seek recovery for property damage?

Pre-Note Time Frames:

(This applies to all cases except contested matrimonials and tax certiorari cases)

Estimated time period for case to be ready for trial (from filing of RJ1 to filing of Note of Issue):

☐ Expedited: 0-8 months ☐ Standard: 9-12 months ☒ Complex: 13-15 months

Contested Matrimonial Cases Only: (Check and give date)

Has summons been served? ☐ No ☐ Yes, Date _____

Was a Notice of No Necessity filed? ☐ No ☐ Yes, Date _____

ATTORNEY(S) FOR: Plaintiff Christian F. Holinka

Self Rep.*	Name	Address	Phone #
	Benjamin Darche, Esq. Weitz & Luxenberg, P.C.	180 Maiden Lane New York, NY 10038	(212) 558-5500

ATTORNEY(S) FOR: Defendants Baxter Healthcare Corporation and Baxter International Inc.

Self Rep.*	Name	Address	Phone #
<input type="checkbox"/>	Daniel B. Carroll, Esq. DRINKER BIDDLE & REATH LLP	140 Broadway, 39 th Floor New York, New York 10005-1116	(212) 248-3140
<input type="checkbox"/>			

*Self Represented: parties representing themselves, without an attorney, should check the "Self Rep." Box and enter their name, address, and phone # in the space provided above for attorneys.

INSURANCE CARRIERS:

N/A

RELATED CASES: (IF NONE, write "NONE" below)

NONE

Title	Index #	Court	Nature of Relationship
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I AFFIRM UNDER PENALTY OF PERJURY THAT, TO MY KNOWLEDGE, OTHER THAN AS NOTED ABOVE, THERE ARE AND HAVE BEEN NO RELATED ACTIONS OR PROCEEDINGS, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION PREVIOUSLY BEEN FILED IN THIS ACTION OR PROCEEDING.

(SIGNATURE)

Daniel B. Carroll
 (PRINT OR TYPE NAME)

ANTHONY W. GRANT
 ATTORNEY FOR

ATTACH RIDER SHEET IF NECESSARY TO PROVIDE REQUIRED INFORMATION